

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 5-6, 8-9, 11, 15-18, 21-28 and 30-32 are pending, with claims 1, 5-6, 8, 11, 16, 18, 22 and 27 amended, and claims 31-32 added, by the present amendment. Claims 1, 6, 11, 18, 27 and 31 are independent.

In the Official Action, claims 1, 6, 9, 11, 15, 18 and 23-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lamkin (U.S. Patent Pub. No. 2005/0251749); claims 5, 16, 22 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Lamkin and Horowitz (U.S. Patent No. 7,136,394); claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Lamkin and Kleiman (U.S. Patent No. 7,200,715); claims 17 and 21 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Lamkin, Horowitz and Duso (U.S. Patent No. 6,625,750); and claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Chung (U.S. Patent Pub. No. 2003/0049017) and Minoda (JP 07-037341).

Claims 1, 5-6, 8, 11, 16, 18, 22 and 27 are amended, and claims 31-32 are added, to more clearly describe and distinctly claim Applicant's invention. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

Briefly recapitulating, amended claim 1 is directed to

A method for reproducing contents information from an interactive optical disc device, comprising:

a) receiving contents information from a contents provider server via an Internet, storing the received contents information in a buffer memory, and synchronously reproducing data read from an interactive optical disc and the stored contents information;

b) if receipt of the contents information from the contents provider server is suspended or delayed, sending a last download position of the contents information in the buffer memory and a request command to the contents provider server to receive contents information subsequent to the last download position; and

c) receiving the contents information subsequent to the last download position from the contents provider server in response to the request command, and synchronously reproducing the contents information subsequent to the last download position with the data read from the interactive optical disc.

Lamkin describes methods and devices for presentation of locally stored media content combined with remote interactively-obtained network media content. Cited paragraph [0796] of Lamkin describes that bookmarks are assigned a number internally when set. A GotoBookmark returns to the same position on the disc as when the bookmark was set (saved). When a bookmark is saved, the saved bookmark will overwrite any existing bookmark for this disc, should one exist. If all of the bookmarks in memory are used, the saved bookmark will overwrite the oldest bookmark. Because navigating to other HTML pages with embedded video can interrupt playback such that other bookmarks can be saved, care should be taken to resume playback using the desired bookmark. If the bookmark number is not known by the JavaScript, passing a parameter of 0 will use the last bookmark that was saved for this disc.

However, in the cited paragraph [0796] of Lamkin, the bookmarks are set or saved by a user for later recall so that playback can be resumed using a desired bookmark. That is, a bookmark is always generated as needed regardless of whether or not the device or method is or is not in a normal operation. In contrast, in Applicant's claimed invention, the last downloaded position of the contents information in the buffer memory is detected and generated during an abnormal operation such as suspension or delay of receipt of the contents information. That is, cited paragraph [0796] does not describe *"if receipt of the contents information from the contents provider server is suspended or delayed, sending a last download position of the contents information in the buffer*

memory and a request command to the contents provider server to receive contents information subsequent to the last download position.”

Applicant submits that independent claims 6, 11, 18, 27 and 31 patentably define over Lamkin for reasons similar to those presented above relative to amended independent claim 1.

MPEP § 2131 notes that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Lamkin does not disclose or suggest all of the features recited in claims 1, 6, 11, 18, 27 and 31, Lamkin does not anticipate the invention recited in claims 1, 6, 11, 18, 27 and 31, and all claims depending therefrom.

Furthermore, Lamkin copied Applicant’s originally filed claims. These copied claims are not supported by the specification of Lamkin, or by any of Lamkin’s priority documents. Thus, the effective date of Lamkin’s copied claims is Lamkin’s U.S. filing date of May 5, 2005, which is after Applicant’s U.S. filing date of November 13, 2002. Thus, Lamkin’s copied claims, which have no support in Lamkin or within the priority documents of Lamkin, are not prior art to Applicant’s claimed invention. Thus, for a second reason, Lamkin does not anticipate Applicant’s independent claims.

Applicant has considered Kleiman, Horowitz and Duso and submits Kleiman, Horowitz and Duso do not cure the deficiencies of Lamkin.

Turning now to the rejection in view of Chung and Minoda, as acknowledged by the Official Action, Chung does not disclose or suggest Applicant’s claimed step of a) “*if receipt of*

the contents information from the contents provider server is suspended or delayed, sending a last download position of the contents information in the buffer memory and a request command to the contents provider server to receive contents information subsequent to the last download position,” and “receiving the contents information subsequent to the last download position from the contents provider server in response to the request command, and synchronously reproducing the contents information subsequent to the last download position with the data read from the interactive optical disc.” To cure the deficiencies, the Official Action applies Minoda.

Minoda describes transferring data from a compact disk to a minidisk, and correcting for errors caused by optical head skipping due to physical disruption (e.g., bumping the device while reading or recording). In the regard, Minoda describes a reproduction control device that detects that an error has occurred in an access unit during reproduction (e.g., reading from a compact disk) and resumes reproduction starting from several access units before the erroneous access unit.¹

However, contrary to the Official Action, Minoda does not disclose or suggest delay or suspending receipt of the contents information from the contents provider server. In Minoda, there is no server. In Minoda, data is transferred from a compact disk to a minidisk via a buffer/memory. Indeed, paragraph [0012] of Minoda describes that controls 1 and 2 described above are performed in the reproduction control device, controls 3 and 4 are done by the verification unit, and controls 5 and 6 are done by the memory control device. None of these devices are a server, as recited in Applicant’s independent claims.

Furthermore, Minoda does not disclose or suggest determining whether or not receipt of the contents information ...is suspended or delayed. In Minoda, errors during reading from one

¹ Minoda, paragraph [0008] of English language translation provided with Official Action.

disk or writing to another disk are detected. Minoda does not disclose or suggest detecting the absence or presence of information flows.

Furthermore, Minoda does not disclose or suggest “sending a last download position of the contents information in the buffer memory and a request command to the contents provider server to receive contents information subsequent to the last download position,” or “synchronously reproducing the contents information subsequent to the last download position with the data read from the interactive optical disc.” In Minoda, 1) the erroneous access unit is identified, 2) production (e.g., reading) is resumed starting several access units prior to the erroneous access unit, 3) data from the new starting position is read from the memory, 4) the newly read data is verified, 5) the starting position is identified, and 6) the new data is overwritten onto previously recorded data. This data is subsequently reproduced.²

Because Minoda overwrites onto previously recorded data, Minoda does not reproduce contents information subsequent to the last download position, let alone with the data read from the interactive optical disc. That is, the restart position in Minoda is different from the restart position in Applicant’s claimed invention. Furthermore, the restart position is a reading/writing restart position, not a data download restart position.

For at least the reasons described above, Minoda does not cure the deficiencies of Chung.

² Minoda, paragraph [0011] of English language translation provided with Official Action. See also paragraphs [0027] and [0033]-[0035].

As none of the cited art, individually or in combination, disclose or suggest at least the above-noted features of independent claims 1, 6, 11, 18, 27 and 31, Applicant submits the inventions defined by claims 1, 6, 11, 18, 27 and 31, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.

MPEP 2141 notes that prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art. MPEP 2141 further notes that the prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, an obviousness-type rejection must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. MPEP 2141 goes on to list exemplary rationales that may support a conclusion of obviousness. However, Applicant submits that the Official Action and the applied references present no objective evidence that would support an obviousness-type rejection of Applicant's amended claims based on one of these exemplary rationales.

Conclusion

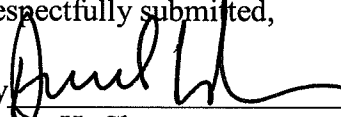
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

Dated: November 10, 2009

Respectfully submitted,

DAVID A. BILODEAU
USPTO #42,325

By 

Esther H. Chong

Registration No.: 40,953

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant